

BLM-Alaska NEPA Evaluation Report

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I. EXECUTIVE SUMMARY

In March 2009, BLM-Alaska planning and environmental staff conducted an evaluation of the BLM-Alaska National Environmental Policy Act (NEPA) activities. The evaluation consisted of personnel interviews, NEPA document reviews, and a questionnaire related to NEPA training. The evaluation resulted in development of findings, observations and recommendations. The reviewing staff also developed a list of action items.

Major Findings and Observations resulting from the evaluation include the need for greater attention to NEPA Registers and their role in involving and informing the public, ensuring interdisciplinary processes, preparing more focused and concise Environmental Assessments (EAs), describing context and intensity of impacts in preparing Findings of No Significant Impacts (FONSI) and following formats in the new BLM NEPA Handbook for Categorical Exclusions (CXs), Determinations of NEPA Adequacy (DNAs), and Decision Records (DRs). Requirements were developed to address Findings; Recommendations were developed to address Observations.

The Action Items stress the importance of following the Requirements and Recommendations resulting from the Findings and Observations. Additional Action Items include a detailed review of specific program-related NEPA compliance, periodic reviews of NEPA documents, developing training, and improving ways of communicating information.

II. EVALUATION OBJECTIVES

The evaluation objectives include:

- Determine NEPA document compliance with regulation and policy. EAs and associated FONSI and DRs, documentation of CXs, and DNAs were reviewed; Environmental Impact Statements (EIS) were not reviewed in this evaluation.
- Develop recommendations and procedures to ensure new guidance in the 2008 BLM NEPA Handbook (H-1790-1) is being implemented in Alaska.
- Determine the need for NEPA training.

The intended audience of the evaluation results includes managers, supervisors, NEPA document team leads, and NEPA document preparers.

III. METHODOLOGY

An Evaluation Team comprised of Jolie Pollet and Mike Kasterin from the Alaska State Office and Gary Foreman from the Fairbanks District Office participated in the evaluation. Gary Foreman only evaluated the Anchorage Field Office, Glennallen Field Office, and the Office of Pipeline Monitoring. Mike Kasterin and Jolie Pollet evaluated all offices. James Moore from the Anchorage Field Office and Mary Lynch from the Alaska Fire Service participated in developing the evaluation objectives, standards and methods.

The Evaluation Team:

- interviewed managers, Environmental Coordinators, and NEPA document preparers at Field and District Offices, and the Office of Pipeline Monitoring (see Section III.A for a list of interview questions and a summary of the interview results);
- reviewed local office guidance related to NEPA processes;
- reviewed NEPA registers;
- reviewed a variety of completed NEPA documents (primarily prepared in 2008-2009) from different program areas, developed by different preparers (documents were evaluated using the Evaluation Standards described below); and
- surveyed personnel to determine NEPA-related training needs.

A. Evaluation Standards

The quality of NEPA products/processes were assessed by employing the techniques described above, with specific focus on the questions listed in Appendix A.

B. Dates and Locations of Evaluation

The NEPA Evaluation was conducted in different offices in March 2009. Dates and locations are summarized below.

Office Evaluated	Dates	Evaluation Team Members
Anchorage Field Office	3/9-3/10/09	Pollet, Kasterin, Foreman
Glennallen Field Office	3/11-3/12/09	Pollet, Kasterin, Foreman
Fairbanks District Offices	3/17-3/19/09	Pollet, Kasterin
Office of Pipeline Monitoring	3/13/09, 3/25/09	Pollet, Kasterin, Foreman

C. NEPA Documents Reviewed

A list of the 39 NEPA documents reviewed is included in Appendix B. The team reviewed 10 CXs, 11 DNAs, and 18 EAs.

D. Personnel Interviewed

Twenty-six employees were interviewed as part of the evaluation to capture a variety of NEPA roles. See Appendix B for a listing of those interviewed.

The following summarizes the number and types of interviews:

- NEPA Approvers (5 interviewed): Field Office Managers who approve NEPA decisions;
- NEPA Reviewers (4 interviewed): supervisors who review NEPA documents prior to managers' approval;
- NEPA Preparers (13 interviewed): personnel who lead, prepare and provide input into NEPA documents;
- Planner/Environmental Coordinators (3 interviewed): personnel who review and provide advice related to NEPA compliance and NEPA document preparation; and
- One Public Affairs Specialist interviewed who helps with NEPA scoping, web-posting, and public communication.

Numbers interviewed for each office are summarized below:

Anchorage FO – 4

Arctic FO – 4

Central Yukon FO – 6

Eastern Interior FO – 3

Fairbanks District – 1

Glennallen FO – 4

Office Pipeline Mon. – 3

State Office - 1

IV. FINDINGS, OBSERVATIONS, REQUIREMENTS AND RECOMMENDATIONS

This section is organized into the following six sections:

- NEPA Register
- Interdisciplinary Process
- DNAs
- CXs
- EAs - Introduction, Proposed Action/Alternatives, Affected Environment, Impacts
- EAs - FONSI and DRs

The following tables describe the Findings, Observations and associated Requirements and Recommendations for their resolution for the sections listed above. *Findings* describe direct and important non-compliance of a specific written requirement such as law, regulation or policy. Written requirements may be found in the Code of Federal Regulations (CFR), Instruction Memoranda (IM) or the BLM NEPA Handbook (H-1790-1). *Observations* describe conditions that should be corrected or an area of high performance that merits special note.

As is noted in the tables below, Findings must be corrected. Each Finding and Observation is numbered sequentially; Findings are highlighted in red and Observations are highlighted in blue.

A. NEPA Register

The Evaluation Team reviewed the offices' NEPA Registers to determine if instructions were being followed as outlined in AK-IM-2009-008 (NEPA Registers) and WO-IM-2008-199, Change I (NEPA Numbering).

Findings	
NR-1	<p>NEPA documents are not being noticed in a timely manner on the NEPA Registers, as is required in AK-IM-2009-008. During interviews, Planners and Environmental Coordinators reported that NEPA Registers were updated “monthly” and as “time permits.” NEPA Registers are not being updated with current information in some offices for over six months.</p> <p>Requirement: Managers must ensure that NEPA documents are noticed promptly on the NEPA Register to comply with AK-IM-2009-008 and 40 CFR 1506.6(b): <i>Provide public notice of ... the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.</i></p> <p>CEQ requires agencies to involve the public in the preparation of EAs and FONSI. These are public "environmental documents" under 40 CFR 1506.6(b), and, therefore, agencies must give public notice of their availability. A combination of methods may be used to give notice, and the methods should be tailored to the needs of particular cases. For BLM-Alaska, the NEPA Register may meet public notification requirements for EAs; in some cases additional public involvement will be warranted.</p> <p>As stated in AK-IM-2009-008, EAs shall be noticed on the NEPA Register at the time the NEPA Number is assigned, and the EA's status must be updated on the Register if there is a public comment period <i>and</i> when the FONSI and DR are signed. For DNAs and CXs, the NEPA Register shall be updated when the documents are signed. The office's NEPA Register must be updated within 5 business days of any triggering action. If an office is experiencing difficulty in posting the NEPA document, the NEPA register shall at least make notice of the document within 5 business days of any triggering action. Attaching a link to the document may occur after 5 business days.</p>
NR-2	<p>The description of the Proposed Action and Affected Area in the NEPA Register for some offices does not follow AK-IM-2009-008.</p> <p>Requirement: Managers must ensure the NEPA Registers provide descriptive and meaningful information to the public as directed in AK-IM-2009-008. The Proposed Action in the NEPA Register must be descriptive, not just a one-word acronym. Although a long description is not needed, a title or short summation should be included. For example, “Disclaimers of interest on submerged lands beneath navigable waters,” or, “Programmatic Emergency Stabilization and Rehabilitation Plan” are appropriate descriptions of the Proposed Action for the NEPA Register.</p> <p>The Affected Area must be descriptive, not just listing the Township and Range. The IM directs the description of the affected area as follows: Use a brief, specific area location, such as “Tanana River (Interior Alaska) Muddy River in Section 12 S 21 W, FM,” or “Northeast portion of the National Petroleum Reserve – Alaska.”</p>

Observations	
NR-3	<p>NEPA document numbers are incorrectly applied. Many offices are incorrectly applying the Cost Center Designation Code (CCDC).</p> <p>Recommendation: Offices should follow NEPA Numbering guidance in WO-IM-2008-199, Change 1. This NEPA Number will be used for tracking documents in the new Financial Business and Management System (FBMS). The primary problem observed is that offices are not correctly applying the CCDC. NEPA Numbers should follow this format: DOI-BLM-AK-CCDC-FIYR-NDSN-TYP</p> <p>CCDC (Cost Center Designation Code): 4-digit code used to identify the secondary administrative unit involved at the time the NEPA document is created. This equates to positions 5-8 in the FBMS Cost Center code structure. Some of the common BLM-AK CCDCs are as follows: AKSO Lands/Realty - 9630 Anchorage FO – A010 Arctic FO – F010 Central Yukon FO – F030 Eastern Interior FO – F020 Glennallen FO – A020 Office of Pipeline Monitoring – 9900</p> <p>FIYR (Fiscal Year): 4-digit code that identifies the fiscal year that the Federal Government designates for the use of its funds (October thru September) at the time the NEPA document is created (for CXs and DNAs) or initiated (for EISs and EAs).</p> <p>NDSN (NEPA Document Sequence Number): 4-digit chronological number identifying each NEPA document assigned within an Administrative Unit, Office Designation, and beginning at 0001 each Fiscal Year.</p> <p>TYP (NEPA Type Code): 2 or 3-letter code used to identify the category of NEPA document. Valid values are: CX, SCX (Statutory CX), EA, DNA, or EIS.</p>
NR-4	<p>Offices are experiencing difficulties in posting documents that comply with Section 508 of the Americans with Disabilities Act (ADA). Offices are unclear who is responsible for ensuring documents comply with Section 508 of the ADA. Offices are experiencing problems using Communicate to post documents to the NEPA Register.</p> <p>Recommendation: Managers should ensure the appropriate personnel are trained to develop documents that are 508-compliant. The Office of Communications will provide training to NEPA Preparers and those who manage the NEPA Register for users to develop documents that comply with Section 508 of the ADA. The Office of Communications will also provide training using Communicate.</p>
NR-5	<p>Most NEPA documents recently completed cannot be accessed through hot-links on the NEPA register. Some important attachments are missing from EAs posted on the NEPA Register.</p> <p>Recommendation: Managers should ensure NEPA documents and relevant attachments are accessible (i.e., hot-linked) on their NEPA Registers beginning in 2009 to follow guidance in AK-IM-2009-008. If attachments or Appendices are material and relevant to an EA, they should be included with the document as posted on the NEPA Register.</p>

B. Interdisciplinary Process

The Evaluation Team reviewed NEPA documents to determine if the interdisciplinary (ID) process was described; and through interviews the Evaluation Team asked how offices ensured an interdisciplinary approach.

Findings	
ID-1	Most offices lack an interdisciplinary approach in preparing NEPA documents. Agencies are required to take an interdisciplinary approach to ensure NEPA compliance (see NEPA Sec. 102(2)(A) and 40 CFR 1507.2).
	Requirement: Managers must ensure an adequate interdisciplinary approach when preparing NEPA documents. For CXs, an interdisciplinary approach shall be used to document the extraordinary circumstances review. For DNA documentation, offices shall document an interdisciplinary review.
	Offices must follow an interdisciplinary approach for EAs. Offices should consider internal scoping meetings and interdisciplinary meetings to formulate issues, alternatives, and impacts of the proposed actions. Documentation of this interdisciplinary approach should be included in the EA when discussing issues and alternatives.
Observations	
ID-2	<p>The Arctic FO uses an interdisciplinary approach, by holding ID team meetings and using an interdisciplinary approach to issue identification. Other offices have reported having more ID meetings recently than in the past, and that these meetings are successful in identifying issues and potential impacts.</p> <p>Recommendation: Arctic FO should continue interdisciplinary practices and documenting the interdisciplinary approach in the EA. Other offices are encouraged to emulate this practice.</p>

C. Determinations of NEPA Adequacy (DNA)

The Evaluation Team reviewed eleven DNAs to determine if the correct DNA Worksheet was being used, and if the DNA criteria were being applied appropriately.

Observations	
DNA-1	<p>Most offices are not using the DNA Worksheet in the NEPA Handbook (H-1790-I, Appendix 8). Most offices are using outdated worksheets with obsolete terminology.</p> <p>Recommendation: Offices should use the DNA Worksheet in the NEPA Handbook (H-1790-I, Appendix 8). Offices should not use the term “AD” in referring to DNAs and should ensure the “D” in DNA stands for “Determination.”</p>
DNA-2	<p>Offices are not appropriately applying DNA criteria in all cases. Explanation of criteria in the DNA Worksheet is too brief or unclear. Many DNA Worksheets relied on inadequate one-word or one-sentence answers to the NEPA adequacy criteria.</p> <p>Recommendation: Managers should ensure that the existing NEPA document contains sufficient <i>site-specific</i> analysis and that the DNA Worksheet has detailed descriptions of NEPA adequacy before approving a DNA. The BLM NEPA Handbook (H-1790-I, page 23) recommends DNA Worksheet explanations be substantive and detailed, and contain specific citations to the existing EA or EIS.</p>

DNA-3	<p>Offices are not including a description of the mitigation measures in part A of the DNA Worksheet.</p> <p>Recommendation: Managers should ensure that if the DNA Worksheet includes mitigation measures (identified in the original NEPA document or otherwise), that these measures are described with the proposed action in part A of the DNA Worksheet.</p>
DNA-4	<p>Offices are not clearly identifying the appropriate Land Use Plan (LUP) decisions in part B of the DNA Worksheet.</p> <p>Recommendation: Managers should ensure appropriate excerpts from the LUP are included in the Land Use Plan Conformance section (part B) of the DNA Worksheet.</p>

D. Categorical Exclusions (CX)

The Evaluation Team reviewed ten CX documents to evaluate whether the updated format was used, whether the exception criteria were noted, whether the appropriate CX was used and whether the CX appropriately documented LUP conformance.

Findings	
CX-1	<p>Offices are using CXs to comply with NEPA in the absence of a LUP. This is not in compliance with 43 CFR 1610.8 (b)(1): <i>If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.</i></p> <p>Requirement: Managers must ensure an EA (or EIS if that is appropriate) is prepared for Federal actions on public lands that are not covered by a land use plan. A CX may not be used where the proposed action is not within the boundaries covered by a land use plan. A land use plan is a Management Framework Plan (MFP) or Resource Management Plan (RMP); in the case of the National Petroleum Reserve – Alaska, the Integrated Activity Plan can be considered a land use plan.</p>
CX-2	<p>It is not clear whether separate decision documents are being prepared following CX documentation conclusion. Separate decision documents are required by H-1790-1, page 158: <i>A separate decision document must be prepared for the action covered by the CX.</i></p> <p>Requirement: Managers must ensure appropriate decision documentation following completion of CX documentation. The decision documentation should be noticed with the CX documentation on the NEPA Register. While use of a CX is not subject to protest or appeal, a decision on the action being taken may be subject to protest and appeal. Consult program-specific guidance and include applicable protest and appeal provisions with the documentation of the decision for the action. The CX is a tool to inform the decision, but the decision must still be made and documented. In the absence of program-specific guidance on decisions, use the applicable parts of the Decision Record as outlined in H-1790-1 (section 8.5, page 84) to document a decision following documentation of a CX.</p>
CX-3	<p>Some CX worksheets only reference 10 exception criteria. There are 12 exception criteria that must be applied for non-statutory CXs (43 CFR 46.215).</p> <p>Requirement: Managers must ensure the correct extraordinary circumstances are applied prior to signing CX documentation. When referencing the extraordinary circumstances in CX documentation, use the list of 12 criteria found in 43 CFR 46.215.</p>

CX-4	<p>Some offices are not using the required CX form found in H-1790-I, Appendix 6.</p> <p>Requirement: Managers must ensure the appropriate CX documentation is completed. If an office documents use of a CX, use the form provided in H-1790-I, Appendix 6, with the exception of using CXs established by the Energy Policy Act (2005) or for Hazardous Fuels and Post-Fire Rehabilitation Actions. No form is required for Energy Policy Act CXs; use the form found in H-1790-I, Appendix 7 for Hazardous Fuels and Post-Fire Rehabilitation Actions.</p>
Observations	
CX-5	<p>The origin and application of resource protection measures identified in CX worksheets is not clear.</p> <p>Recommendation: Managers should ensure that if a CX includes resource protection measures, their origin and citation are clear. The CX documents reviewed showed a wide variety of ways to incorporate resource protection measures (e.g., mitigation measures, Required Operating Procedures, Special Stipulations). In almost all cases the citation or reference to the origin or the reason for applying the measure was not stated.</p>
CX-6	<p>Many CX citations are obsolete and outdated.</p> <p>Recommendation: Managers should ensure the correct CX is being used and documented. The CX documentation should include the actual text of the CX being used. Do not only cite to the CX number since those numbers do change. Use and reference the correct CX in 43 CFR 46.210 for Departmental CXs or 516 DM 11.9 for BLM CXs.</p>
CX-7	<p>Some CX worksheets do not excerpt from the LUP for LUP conformance.</p> <p>Recommendation: Managers should ensure the CX worksheet clearly cites LUP conformance. For part B of the CX Documentation Form (Appendix 6), provide an actual excerpt from the appropriate LUP decision showing conformance. Do not just cite the name and date of the LUP.</p>
CX-8	<p>Some offices are not using a CX when one is available.</p> <p>Recommendation: Managers should include in the NEPA document the rationale for completing an EA when a CX could be used (see H-1790-I, page 17). Note that the subject headings for the BLM Categorical Exclusions in 516 DM 11.9 and H-1790-I, Appendix 4 are only meant for organizational purposes. Any program area may use any of these BLM CXs.</p>

E. Environmental Assessments – Introduction, Proposed Action/Alternatives, Affected Environment, Impacts

The Evaluation Team reviewed eighteen EAs to evaluate how the EAs addressed public involvement, coordination and consultation; to evaluate how issues, affected environment and impacts were tracking; to determine if the purpose and need, proposed action and alternatives were being addressed appropriately; and to evaluate whether the FONSI and DR were following H-1790 guidance.

Findings	
EA-1	<p>Many EAs reviewed contain a discussion of Critical Elements of the Human Environment and contain BLM citations to these Critical Elements. The BLM no longer publishes a list of Critical Elements of the Human Environment in BLM Handbooks or IMs.</p> <p>Requirement: Managers must ensure that Critical Elements are not cited to any BLM publications since they are no longer part of BLM policy or guidance. However, it is important for the interdisciplinary team to determine the issues (related to environmental impacts) and to</p>

	<p>understand any program requirements related to NEPA compliance (e.g., construction in a wetland, see EA-2). If checklists continue to be used, ensure that actual issues are being identified and do not cite to BLM Critical Elements. Checklists may be used to document or facilitate an interdisciplinary approach and if used, should be retained in the administrative record.</p>
EA-2	<p>EA requirements for actions in floodplains or wetlands are not being met where proposals are affecting floodplains or wetlands. Requirements are described in Executive Order 11988, Sec. 2(a)(4) and Executive Order 11990, Sec. 2(b).</p> <p>Requirement: Managers must ensure public involvement and notification requirements are met for actions in floodplains or wetlands. An IM will be developed outlining these requirements. In the interim, work with your District or Field Office P&EC to ensure requirements are met.</p>
EA-3	<p>Many EAs did not clearly state BLM's Purpose and Need as required in H-1790-I.</p> <p>Requirement: Managers must ensure the purpose and need statement for an externally generated action describes the BLM's purpose and need for the Federal action, not just an applicant's or external proponent's purpose and need (H-1790-I, 6.2, page 35). It is the BLM action that triggers the NEPA requirements.</p>
EA-4	<p>Many of the EAs did not properly identify issues as required in H-1790-I, resulting in lack of focus for the affected environment and impacts discussions.</p> <p>Requirement: Managers must ensure that the EAs prepared in their offices identify and focus on issues as defined in H-1790-I, 6.4, pages 40-42; and 8.3.3, page 78. H-1790-I stresses identification and focus on issues of environmental concern in EAs. Providing checklists of affected resources does not adequately focus issues as required in H-1790-I. The CEQ notes the importance of issues as stated in 40 CFR 1500.1(b): <i>Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.</i></p> <p>H-1790-I defines an issue as a point of disagreement or debate based on some anticipated environmental effect (H-1790-I, 6.4, page 40). Further, H-1790-I (6.4.1, page 41) states that not all issues raised warrant analysis in an EA. Issues should be analyzed if: (1) Analysis is necessary to make a reasoned choice among alternatives; or (2) if the issue is potentially significant. Issues that do not meet these criteria do not need to be analyzed (H-1790-I, 6.4.2, page 42). H-1790-I points out that the length of EAs should be reduced by maintaining focus on relevant issues (8.1, page 75). Issues should be stated clearly in the EA, prior to discussion of the affected environment and impacts.</p> <p>The affected environment should <i>succinctly</i> describe the existing condition and trend of issue-related elements (H-1790-I, 6.7.1, page 53). Discussion of the affected environment should be limited to that information relevant to understanding the effects of the proposed action and alternatives (H-1790-I, 8.3.6, page 81). The affected environment discussion is <i>defined and limited by the identified issues</i> (H-1790-I, 6.7.1, page 53). Descriptions of the affected environment must be no longer than is necessary to understand the effects of alternatives. Data and analyses must be commensurate with the importance of the impact (H-1790-I, 6.7.1, page 53).</p> <p>The discussion of impacts must address direct, indirect and cumulative effects related to each issue (H-1790-I, 8.3.6, page 81). Clarity of expression, logical thought processes and rational explanations are more important than length or format in the discussion of impacts (H-1790-I, 6.8.1.2, page 56).</p>

EA-5	<p>Some EAs are lacking discussion of indirect and cumulative impacts as required in 40 CFR 1508.25(c) and H-1790-1.</p> <p>Requirement: Managers must ensure that direct, indirect and cumulative effects are analyzed fully and appropriately in EAs. The EA must identify the known and predicted direct, indirect and cumulative effects that are related to the issues. See H-1790-, 6.8, pages 54-62 for a complete discussion of environmental effects. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource (H-1790-1, 6.8.3.1, page 57).</p> <p>In describing cumulative effects, the first step is to determine which of the issues for analysis may actually involve a cumulative effect with other past, present or reasonably foreseeable future actions. Minor direct and indirect effects can potentially contribute to synergistic cumulative effects that could be significant (transition to an EIS if those effects are significant). For each cumulative effects issue, define the geographic scope, timeframe and reasonably foreseeable actions for cumulative effects analysis (H-1790-1, 6.8.3, pages 57-61).</p>
EA-6	<p>Most EAs do not describe a range of alternatives as required in 40 CFR 1508.9(b) and H-1790-1.</p> <p>Requirement: Managers must ensure development of alternatives where there are unresolved conflicts.</p> <p>For many actions, a wide range of alternatives would not be appropriate. However, alternatives must be considered if there are unresolved conflicts concerning alternative uses of available resources (40 CFR 1508.9(b) and H-1790-1, 8.3.4.2, page 79). There are no unresolved conflicts if consensus has been established about the proposed action based on input from interested parties or if there are no reasonable alternatives to the proposed action that would be substantially different in design or effects and could potentially have the same level or less impact. EAs should state reasons for only considering one action alternative.</p>
Observations	
EA-7	<p>Many EAs do not describe the BLM decision to be made as recommended in H-1790-1.</p> <p>Recommendation: Managers should ensure that the BLM action is clearly stated in the EA. A clear explanation of the Federal decision to be made helps link the purpose and need to the decision regarding the Federal action (H-1790-1, 6.2.1, page 36). A description of the decision helps differentiate BLM's role from an external proponent's role. For EAs prepared with cooperating agencies, each agency's decisions to be made should be clearly identified.</p>
EA-8	<p>Some EAs do not include an excerpt from the LUP in the LUP Conformance section of the EA as described in H-1790-1.</p> <p>Recommendation: Managers should include an excerpt(s) from the LUP detailing the specific conformance statements. The EA should include a <i>discussion</i> on whether or not the proposed action is in conformance with the LUP (H-1790-1, 8.3.4.3, page 81). Do not simply provide a statement of conformance.</p>
EA-9	<p>Most EAs do not discuss internal and external scoping as recommended in H-1790-1; if scoping is discussed, it is typically presented only as a list of preparers.</p> <p>Recommendation: EAs should document the external scoping that was completed in association with the EA. Summarize the results of external scoping (e.g., influencing issue identification or alternative development) and the public comments received (H-1790-1, 8.3.3, page 78). Including discussion of internal scoping in the EA also indicates that the BLM ensured an interdisciplinary process and evidence of a "hard look" in considering effects of the proposal (H-1790-1, 6.8.1.2, page 55).</p>

EA-10	<p>Some form of public involvement is required for all EAs (H-1790-I, 8.2, page 76), but few EAs document public involvement as recommended in H-1790-I.</p> <p>Recommendation: Whatever public involvement is completed for an EA, managers should ensure that discussion of public involvement is included in the EA. If there is no formal public involvement, the EA should explain why no formal public involvement is needed.</p> <p>See H-1790-I, Appendix 9, page 165 for a recommended EA format including a section for public involvement. Generally, some public involvement is achieved through notices on the NEPA Register. The CEQ regulations direct agencies to encourage and facilitate public involvement in the NEPA process to the fullest extent possible (40 CFR 1500.2(d), 40 CFR 1506.6). The BLM allows for much discretion to determine how much and what kind of public involvement is appropriate for EAs depending on the action being proposed. See Finding EA-2 for a discussion of required public involvement for EAs.</p>
EA-11	<p>Few EAs discuss coordination and consultation with tribes, individuals, organizations and other agencies as recommended in H-1790-I.</p> <p>Recommendation: Managers should ensure EAs include a list of tribes, individuals, organizations and agencies consulted in the EA or in an Appendix (H-1790-I, 8.3.7, page 82). In addition to the listing, managers should also ensure EAs adequately discuss consultation with tribes, individuals, organizations or agencies (including ESA consultation when appropriate).</p> <p>If a mailing was sent to a large mailing list, summarize the number of contacts and include the contact list in the administrative record. Substantive comments received should be summarized in the EA. Discussion of other land managers (landowners) and agencies should be included when the proposal involves multiple jurisdictions or multiple Federal authorizations.</p>
EA-12	<p>Many EAs are missing key components in the description of the Proposed Action as recommended in H-1790-I.</p> <p>Recommendation: EAs must include a description of the proposed action, and managers should ensure that the description of the proposed action include Who, What, How, When, Where (H-1790-I, 6.5.1, page 43). A detailed description available early in the EA development process is beneficial for focusing public input, focusing the interdisciplinary team, focusing on issues, developing a full range of alternatives, focused analysis and developing sound and supportable decisions.</p>
EA-13	<p>Some EAs are missing discussion of the No Action Alternative as recommended in H-1790-I.</p> <p>Recommendation: Managers should ensure some discussion of the No Action alternative in an EA. The CEQ has interpreted NEPA to generally require some consideration of the No Action alternative in an EA. The No Action alternative may be analyzed with the same level of treatment as the proposed action and any action alternatives, or to a lesser degree as described in H-1790-I, 8.3.4.2, page 79.</p>
EA-14	<p>Many EA discussions of the Affected Environment are much too broad; H-1790-I recommends a concise and focused approach.</p> <p>Recommendation: Managers should ensure a concise and focused Affected Environment. See related Finding EA-4.</p> <p>The Affected Environment should <i>succinctly</i> describe the existing condition and trend of issue-related elements (H-1790-I, 6.7.1, page 53). Discussion of the affected environment should be limited to that information relevant to understanding the effects of the proposed action and alternatives (H-1790-I, 8.3.6, page 81). The affected environment discussion is <i>defined and</i></p>

	<p>limited by the identified issues (H-1790-1, 6.7.1, page 53). Descriptions of the affected environment must be <i>no longer than is necessary</i> to understand the effects of alternatives. Data and analyses must be commensurate with the importance of the impact (H-1790-1, 6.7.1, page 53). Do not simply cut and paste from previous NEPA documents since this gives the impression that a “hard look” may not have been given to the environment and associated impacts.</p>
EA-15	<p>Many EA discussions of the Impacts do not adequately demonstrate that the BLM took a “hard look” at the impacts of the action; H-1790-1 recommends a sufficient level of detail in the impact assessment to support reasoned conclusions.</p> <p>Recommendation: Managers should ensure the discussion of the impacts is sufficient to support reasoned conclusions. The impacts discussion should be focused on the issues that are identified. The impacts section of an EA should include a discussion of the methodology and assumptions. Citations to support assertions should be used.</p>
EA-16	<p>Some EAs may not be meeting Special Status Species program requirements as stated in MS-6840, Special Status Species Management.</p> <p>Recommendation: Managers should ensure that issues, affected environment and impacts track appropriately in EAs. Some of the EAs reviewed casually mentioned special status species in the discussion of the affected environment. However, those species were not included in the discussion of issues nor were impacts considered for those species. BLM policy requires conservation of special status species. If those species are negatively impacted by a proposal, measures should be included to protect those species.</p> <p>By ensuring EAs focus on the relevant issues (see related Finding EA-4), the links between issues, special status species and effects should become clear. The mere presence of special status species in the vicinity of a proposal being analyzed in an EA does not make special status species an “issue” requiring discussion or analysis.</p>

F. Environmental Assessments – FONSI and DR

Findings	
F/DR-1	<p>For most EAs, the FONSI does not explain the reasons why an action will not have a significant effect on the human environment as required by 40 CFR 1508.13.</p> <p>Requirement: Before signing a FONSI, managers must ensure the impact analysis in the EA provides a basis for conclusion that there are no significant impacts. The impact analysis should address the significance context and intensity factors (H-1790-1, 7.3, page 70). The FONSI should address these context and intensity factors or reference back to the EA’s impact analysis. If there are significant impacts, then the EA must transition to an EIS.</p>
F/DR-2	<p>For most EAs, the FONSI was not signed separately from the DR as required in H-1790-1. In one case, a FONSI was completely missing.</p> <p>Requirement: Managers must ensure that the FONSI is prepared separately and signed separately from the DR as required by H-1790-1, 8.4.2, page 84. These two documents can be attached together, but each must be signed separately.</p>
F/DR-3	<p>For most EAs, the DR was not organized as required by H-1790-1. Some DRs do not follow program requirements for documentation of decisions.</p>

	<p>Requirement: Managers must ensure that the DR follows the appropriate program guidance for documenting decisions; in the absence of program guidance, follow requirements in H-1790-I, 8.5.I, page 84. For example, a DR for a mining action was reviewed and the DR did not follow decision documentation requirements in 43 CFR 3809 for unnecessary and undue degradation discussion.</p>
F/DR-4	<p>For some EAs, the actual BLM decision made was not clear because some components of the decision were missing. Decision components are required in H-1790-I.</p> <p>Requirement: Managers must ensure that the BLM decision is clear and precise, as required in H-1790-I, 8.5.I, page 84. The DR should describe as precisely as possible specific features of the decision, or incorporate by reference the description of the selected alternative in the EA. The DR should identify mitigation and monitoring measures that have been selected to be implemented. While incorporating by reference to describe the alternative and mitigation measures is encouraged, the specifics of what is being approved must be made clear.</p>
F/DR-5	<p>For some EAs, the appropriate Required Operating Procedures (ROPs) from newly prepared RMPs were not included in the DR. Implementation of ROPs is required as stated in the RODs for East Alaska RMP, Ring of Fire RMP, Kobuk-Seward Peninsula RMP and Bay RMP.</p> <p>Requirement: Managers must ensure that the appropriate ROPs are included in the EA and DR before the DR is signed. The EA and DR must include the appropriate ROPs from the RMPs, or the EA should analyze and the DR document the reason for an exception to a ROP. These ROPs would most appropriately be included as design features of the proposed action and alternatives.</p>
F/DR-6	<p>Some of the EAs reviewed identified mitigation measures, but none of the EAs referenced an associated monitoring plan in the DR as required in H-1790-I, 10.I, page 106.</p> <p>Requirement: If an EA includes mitigation measures, especially those that reduce the level of impacts below the threshold of significance, managers must ensure that mitigation measures are appropriately analyzed, adopted and monitored. If mitigation measures are discussed in an EA, the manager must ensure the following requirements are met:</p> <ul style="list-style-type: none"> • Describe and analyze the anticipated effectiveness of mitigation measures and any direct, indirect, and cumulative effects that remain after the application of all mitigation measures (i.e., residual effects) (H-1790-I, 8.3.6, page 81); • Mitigation measures adopted must be described in the decision record (H-1790-I, 8.3.6, page 81); and • Include a discussion of monitoring mitigation measures since monitoring is required when adopting mitigation measures (H-1790-I, 6.8.4, page 61). <p>An EA could incorporate by reference analysis related to ROPs if they are used as mitigation measures since the RMP's EIS analyzed the effectiveness of mitigation measures.</p>
Observations	
F/DR-7	<p>Many DRs included references to "Standard Stipulations" without defining what those are.</p> <p>Recommendation: Managers should ensure that all resource protection measures are appropriately described and adopted in the DR. There are no published resource protection measures known collectively as "Standard Stipulations." Do not simply reference "Standard Stipulations" – the source of these stipulations should be cited. For EAs where new RMPs exist, use the ROPs developed for the RMP as part of the suite of resource protection measures incorporated into the proposed action in the EA and in the DR. See related Finding F/DR-5.</p>

V. NEPA TRAINING

The evaluation team employed a survey and personnel interviews as part of the NEPA Evaluation to ascertain training needs through feedback from BLM employees. Twenty-six interviews were completed. In addition, a completed survey questionnaire was received from fifty-two respondents.

Interview question Number 8 encouraged participants to detail preferences related to training. The bullets below summarize common threads in responses:

- Teach NEPA on the job by involving an experienced mentor/facilitator in the screening or scoping meeting and during a project.
- Provide guidance on ID team purpose and function; including running meetings and the team.
- Define and direct how and when to involve the public.
- Provide needed writing skills to employees with all levels of experience.
- Employees prefer a classroom setting.
- Focus on Alaska oil and gas project examples.
- Adapt the NEPA Handbook and templates to Alaska situations.
- Mixed results were reported regarding the NTC lands school NEPA training.
- Offer Communicate, Adobe and Word training.
- Define and provide training for ADA Section 508 compliance.
- Suggest Alaska use local cadre to train in-state.
- Publish timely or regular bulletins containing NEPA tips or sources of information from the AK930 program lead.

The following courses were requested to be offered: EA Focus, NEPA Concepts and Cumulative Effects, Effective Writing Techniques and Purpose and Need.

VI. ACTION ITEMS

The following action items address concerns raised from conducting personnel interviews and reviewing NEPA documents and training questionnaires. These action items summarize a plan of action starting immediately and continuing through 2010.

Action Item Number	Action Item Description	Who is Responsible / Date (as appropriate)
A-1	Implement Requirements immediately. It is critical that the Requirements resulting from the Findings be implemented to comply with provisions of NEPA and BLM policy. Managers should also implement Recommendations resulting from Observations. The State P&EC will periodically monitor NEPA documents to determine if Requirements are being implemented and will communicate problems to the DSD and Managers.	District Managers Field Office Managers State P&EC Immediate

Action Item Number	Action Item Description	Who is Responsible / Date (as appropriate)
A-2	Complete an in-depth Mining (3809) Program NEPA Evaluation. Alaska is experiencing more public interest in the mining program and public controversy surrounding mining-related planning decisions. BLM-Alaska is opening more lands to mineral entry following the revoking of the ANCSA 17(d)(1) withdrawals and mineral prices are rising which may lead to increased mining activity in the state. This NEPA Evaluation noted that mining EAs are not following 43 CFR 3809 program guidance regarding analysis and decisions. Existing state-wide guidance should be reviewed (i.e., Placer Mining in Alaska: A Practical Guide to Reclamation and Mitigation, BLM, 1993) to determine if it is still applicable and to determine if new guidance is needed. A Mining Program NEPA Evaluation should result in ways to improve NEPA analysis (e.g., cumulative impacts, mitigation measures).	1990 Program Lead AK930 Staff October 2009
A-3	Develop IM related to public notification requirements for actions in wetlands and floodplains. Additional guidance is needed regarding public notification requirements for floodplains and wetlands.	State P&EC July 2009
A-4	Develop NEPA Training Plan. Two managers interviewed requested that a NEPA Training Plan be developed. This would be used to help new employees as well as ensure NEPA currency for existing employees.	State P&EC September 2009
A-5	Develop NEPA notification e-mail list. A few personnel interviewed expressed desire for a forum for highlighting NEPA news and reminders.	State P&EC June 2009
A-6	Identify one NEPA and Planning point of contact for the Anchorage District. Interviews revealed that NEPA-related information was not being disseminated in the Anchorage District. There needs to be one contact for the District that the State P&EC can coordinate with. The District contact should share information with both Field Offices and assist both Field Offices.	Anchorage District Manager
A-7	Develop list of programs with program-specific decision requirements related to CX-2. To help Managers ensure appropriate decision documentation, a team of AKSO Program Specialists will compile a list of all available program-specific decision documentation to help supplement DRs.	AK930/AK960 December 2009
A-8	Offer NEPA training. Offer NEPA Handbook workshop in Anchorage, Glennallen and Fairbanks to cover Findings, Observations, and Recommendations made in this NEPA Evaluation. Additionally, offer BLM-provided classroom NEPA training at least once per year in either Fairbanks or Anchorage. Forward announcements of contractor-provided training.	State P&EC Fall 2009 for NEPA Handbook Workshop and ongoing for other NEPA Training
A-9	Offer Communique and ADA 508-compliance training related to posting NEPA documents on the NEPA Register. Offices are experiencing difficulties in posting documents using Communique and linking documents to the NEPA register that meet 508-compliance requirements.	State P&EC AK 912 Winter 2009

VII. APPENDICES

A. Appendix A – Evaluation Standards

I. Quality Control

- 1.1 Who reviews NEPA documents prior to signature by the authorized officer?
- 1.2 How is review documented?

2. NEPA Register

- 2.1 Does the office's NEPA register follow guidance in IM AK-2009-008?
- 2.2 Is the NEPA register up-to-date?

3. EA – Overview

- 3.1 Is the EA <15 pages? If not, can it be made more succinct and useful?

4. EA – Introduction

- 4.1 Does the EA contain the required introductory identifying information? (H-1790-1, 8.3.1)
- 4.2 Does the EA include a proper LUP conformance statement? (8.3.4.3)

5. EA - Interdisciplinary Process and Coordination

- 5.1 How is the interdisciplinary process (including internal scoping) applied and documented? (1.4, 6.3.1, Appendix 10)
- 5.2 Does the EA adequately address and document coordination and consultation with tribes, individuals, organizations and other agencies? (8.3.7)
- 5.3 Does the EA document Alaska-specific requirements for actions on Federal lands?

6. EA - Public Involvement

- 6.1 What public involvement was completed? How is public involvement documented? (8.2)
- 6.2 Was the public notified of the availability of a completed EA and FONSI? (8.2)
- 6.3 Were program requirements met for public review (i.e., construction in wetlands, etc.)?

7. EA - Purpose and Need, Proposed Action and Alternatives

- 7.1 Does the proposed action relate to the purpose and need? (8.3.4.1)
- 7.2 Does the purpose and need explain the Federal action and BLM's decision to be made? (6.2.2)
- 7.3 Are a reasonable range of alternatives analyzed? (8.3.4.2)
- 7.4 Is the No Action alternative considered? (8.3.4.2)
- 7.5 If alternatives are considered but eliminated from detailed analysis, are the reasons documented? (8.3.4.2.1)
- 7.6 Is the proposed action clearly described (include who, what, how, when, where)? (6.5.1)

8. EA-Issue identification

- 8.1 Does the EA identify the issues associated with the proposed action and alternatives? (8.3.3)
- 8.2 Do the issues analyzed relate to a point of disagreement, debate or dispute with a proposed action based on some anticipated environmental effect? (6.4)

9. EA - Impact Analysis

- 9.1 Is the discussion of the affected environment limited to descriptions relevant for understanding the effects of the proposed action or alternatives? (8.3.5)
- 9.2 Are the impact analyses centered around the issues? (8.3.6)
- 9.3 Are direct, indirect and cumulative impacts analyzed for each issue? (6.8, 8.3.6)
- 9.4 Are the context and intensity of impacts discussed to evaluate significance? (7.3)

9.5 Are appropriate mitigation measures identified? Are residual impacts appropriately identified? (6.8.4)

10. EA - FONSI/DR

10.1 Is the decision clear?

10.2 Does the FONSI provide a basis for conclusion that the selected alternative has no significant effect on the human environment? (8.4.2)

10.3 Is the DR organized as described in HB-1790-1? (8.5.1)

11. CXs

11.1 Does the CX follow the required format? (4.2.3.2)

11.2 Is documentation of exception criteria analyzed recorded (where applicable)? (4.2.2 and Appendix 5)

11.3 Is the appropriate CX used? (4.2.1; Appendix 3 and 4)

11.4 Does the CX appropriately document NEPA compliance and LUP conformance (Appendix 6)?

12. DNAs

12.1 Is a DNA worksheet used? (Appendix 8)

12.2 Are adequacy criteria for appropriately addressed in the DNA worksheet? (5.1.2)

B. Appendix B – NEPA Documents Reviewed in NEPA Evaluation

NEPA Document Number	Type	Office	Title	Program
AK-010-08-CX-039	CX	Anchorage FO	Bioswale drainage system construction project	Lands/Realty
AK-010-08-CX-051	CX	Anchorage FO	Campbell Tract Sled Dog Trail Re-route	Recreation
AK-010-08-CX-50	CX	Anchorage FO	Drilling of a natural gas well: Kenai Gas Field, Marathon Oil Company	Energy
AK-012-CX-08-010	CX	Glennallen FO	Core drilling and camping	Lands/Realty
AK-012-CX-08-003	CX	Glennallen FO	43 CFR 2810 ROW for an existing driveway	Lands/Realty
AK-023-2009-002-CX	CX	Arctic FO	Olgoonik Development	Energy
AK-025-2008-032-CX	CX	Central Yukon FO	Renewal of Water and Sewer	Lands/Realty
AK-024-08-019-CX	CX	Eastern Interior FO	Special Recreation Permit	Recreation
CX-AK-993-07-007	CX	Office Pipeline Mon.	Wildfire protection of TAPS	Fire
CX-AK-993-07-008	CX	Office Pipeline Mon.	Sale of mineral materials	Minerals
AK-010-08-DNA-052	DNA	Anchorage FO	Out of the Wild – Surviving Alaska	Recreation
DOI-BLM-AK-010-2009-0008-DNA	DNA	Anchorage FO	Extend 6 Reindeer Grazing Permits	Grazing
AK-012-DNA-021	DNA	Glennallen FO	Renew permit for fish weir	Lands/Realty
AK-012-DNA-005	DNA	Glennallen FO	Commercial filming	Lands/Realty
AK-025-08-019-DNA	DNA	Central Yukon FO	BP Exploration Rip Rap	Minerals
AK-024-08-003-DNA	DNA	Eastern Interior FO	Yukon Quest	Recreation
DNA-AK-993-07-001	DNA	Office Pipeline Mon.	Firing Range	Lands/Realty
DNA-AK-993-08-001	DNA	Office Pipeline Mon.	TUP to Authorize Land Use for Temporary Provisional Housing	Lands/Realty
DNA-AK-993-07-010	DNA	Office Pipeline Mon.	Culvert Installation on Haggard Creek	Lands/Realty
DNA-AK-993-08-003	DNA	Office Pipeline Mon.	Amendment of TUP for temporary housing	Lands/Realty
DOI-BLM-AK-9940-2009-0005-DNA	DNA	Office Pipeline Mon.	3 Year TUP for Geotechnical	Lands/Realty
AK-010-08-EA-001	EA	Anchorage FO	Reindeer Grazing Permits	Grazing
AK-010-08-EA-018	EA	Anchorage FO	Overland Move Permit	Lands/Realty
DOI-BLM-AK-010-2009-007-EA	EA	Anchorage FO	Reindeer Grazing Permits on the Seward Peninsula	Grazing
AK-010-08-EA-017	EA	Anchorage FO	Trailside Discovery	Recreation
AK-010-08-EA-020	EA	Anchorage FO	Out of the Wild – Surviving Alaska	Recreation
AK-012-08-EA-006	EA	Glennallen FO	Public use cabin	Lands/Realty
AK-012-08-EA-016	EA	Glennallen FO	Certified Guides Federation Winter Activities	Recreation
AK-012-08-EA-013	EA	Glennallen FO	AT&T, Alascom	Lands/Realty
EA-AK-023-08-002	EA	Arctic FO	NPR-A 2- year winter delineating drilling – Renaissance Umiat	Energy
AK-023-2008-04-EA	EA	Arctic FO	Conduct 3-d Seismic CGS Veritas	Energy
AK-023-2009-001-EA	EA	Arctic FO	NPR-A 4 Year Winter Exploration - Anadarko	Energy
AK-023-2008-002-EA	EA	Arctic FO	NPR-A 2-year Winter Delineation Drilling Program – Renaissance Umiat	Energy
AK-023-2008-005-EA	EA	Arctic FO	East Teshekpuk test well clean-up	Energy
EA-AK-025-08-002	EA	Central Yukon FO	Drift Mining	Minerals
EA-AK-025-08-018	EA	Central Yukon FO	Special Recreation Permit	Recreation
EA-AK-025-08-016	EA	Central Yukon FO	2810 Trail ROW	Lands/Realty
AK-024-08-016-EA	EA	Eastern Interior FO	Hutchinson Creek ROW Proposal	Lands/Realty
AK-024-08-018-EA	EA	Eastern Interior FO	Guided and outfitted float trip on Beaver Creek	Recreation

C. Appendix C – Personnel Interviewed as part of NEPA Evaluation

Name	Office	NEPA Role
Ballou, Doug	Anchorage FO	NEPA Reviewer
Bush, Boyce	Central Yukon FO	NEPA Preparer
Cooper, Kevin	Eastern Interior FO	NEPA Preparer
Egger, Kelly	Central Yukon FO	NEPA Reviewer
Emmons, Heath	Glennallen FO	NEPA Preparer
Fincher, Jim	Anchorage FO	NEPA Approver
Foreman, Gary	Fairbanks District	Planner/Environmental Coordinator
Graham, Marnie	Glennallen FO	Public Affairs
Griffin, Harrison	Anchorage FO	NEPA Preparer
Gronquist, Ruth	Central Yukon FO	NEPA Preparer
Hammond, Tim	Central Yukon FO	NEPA Reviewer
Heath, Nolan	Office Pipeline Mon.	NEPA Approver
Heppler, Lenore	Eastern Interior FO	NEPA Approver
Jackson, Larry	Eastern Interior FO	NEPA Reviewer
Jacobson, Shelly	Central Yukon FO	NEPA Approver
Jindra, Tami	Glennallen FO	NEPA Preparer
Moore, Jim	Anchorage FO	Planner/Environmental Coordinator
Musitano, Linda	Central Yukon FO	NEPA Preparer
Rasmussen, Diann	Office Pipeline Mon.	NEPA Preparer
Runnoe, Will	Glennallen FO	NEPA Approver
Sayre, Roger	Arctic FO	Planner/Environmental Coordinator
Schneider, Janine	Office Pipeline Mon.	NEPA Preparer
Wixon, Donna	Arctic FO	NEPA Preparer
Wolfson, Sindra	State Office	NEPA Preparer
Worley, Mike	Arctic FO	NEPA Preparer
Yokel, Dave	Arctic FO	NEPA Preparer